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JAN 19 2021

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:
Khevin P. DeVaughn,
Dimitra S. DeVaughn,

Debtors

Case No.: 2:20-bk-19262-NB
Adv. Case No.: 2:20-ap-01655-NB
Chapter: 13

**ORDER CLOSING ADVERSARY
PROCEEDING**

CYB, LLC,

Plaintiff,

[No hearing Required]

v.

Dimitra S. DeVaughn,
Khevin P. DeVaughn,
Comstock Brewing Company,

Defendants.

This adversary proceeding concerns the dischargeability of debts. The bankruptcy case of Debtors and defendants Dimitra S. DeVaughn and Khevin P. DeVaughn has been dismissed (see 2:20-bk-19262-NB, dkt. 32), so they will not receive any discharge in this bankruptcy case, and dischargeability has always been

1 irrelevant as to Comstock Brewing Company because it does not have a pending
2 bankruptcy case.

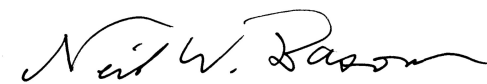
3 When a bankruptcy case is dismissed, the Bankruptcy Court should determine
4 whether or not it retains jurisdiction over any pending adversary proceeding. *See In re*
5 *Carraher*, 971 F.2d 327, 328 (9th Cir. 1992) (“... where a federal district court dismisses
6 federal claims, the court must consider economy, convenience, fairness and comity in
7 deciding whether to retain jurisdiction over pendent state claims.”) (internal citations
8 omitted); *In re Casamont Investors, Ltd.*, 196 B.R. 517, 522-26 (9th Cir. BAP 1996)
9 (applying *Carraher* principles more broadly in bankruptcy matters).

10 This Court has considered the foregoing factors, and the other facts and
11 circumstances of this case. Of particular importance, non-dischargeability issues are
12 mooted by dismissal. *See, e.g., In re Menk*, 241 B.R. 896, 905-06 (9th Cir. BAP 1999)
13 (finding nondischargeability proceeding moot where debtor no longer has a discharge in
14 prospect); *see also In re Steed*, 614 B.R. 395, 402-03 (Bankr. N.D. Ga. 2020)
15 (“dismissal of an underlying bankruptcy case moots nondischargeability actions”).

16 For the reasons stated herein, and good cause appearing, it is hereby
17 ORDERED that the adversary proceeding is CLOSED.

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24 Date: January 19, 2021


Neil W. Bason
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, the below-named deputy clerk of the United States Bankruptcy Court, certify that I placed a true and correct copy of the attached document in a sealed envelope for collection and mailing, no later than the next business day that is not a court-observed holiday, in the United States mail, first class, postage prepaid, and addressed as follows:

Plaintiff

CYB, LLC
c/o Lane M. Nussbaum
Nussbaum APC
27489 Agoura Rd., Ste 102
Agoura Hills, CA 91301

Defendants

Dimitra S. DeVaughn
Khevin P. DeVaughn
c/o Lawrence R. Fieselman
POB 27
Bellflower, CA 90707

Comstock Brewing Company
Attn: Officer or authorized agent
2232 D. Street, Unit 101
La Verne, CA 91750

☐ Service information continued on attached page

Date: 1/19/2021 Signature: /s/ Sharon Sumlin

Deputy Clerk [*printed name*]: Sharon Sumlin